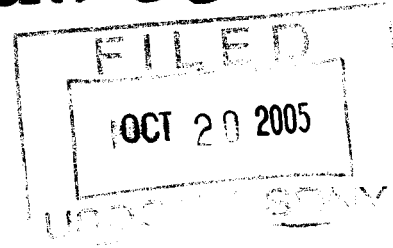


05 CIV. 8944

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
BARBARA ANN GREEN,
on behalf of herself and all others similarly situated,

CLASS ACTION COMPLAINT

Plaintiff,

-against-

TRANS-CONTINENTAL CREDIT & COLLECTION CORP.

Defendant
-----X

JUDGE HELLERSTEIN

Plaintiff, by and through her undersigned attorneys, alleges upon knowledge as to herself and her own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant, and successors, and in support thereof alleges the following:

PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from the defendant's violation of §1692 *et seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

PARTIES

4. Plaintiff Barbara Ann Green (hereinafter “Green”) is a resident of the State of New York, New York County. Plaintiff received debt collection notices from defendant Trans-Continental Credit & Collection Corp.

5. Defendant Trans-Continental Credit & Collection Corp. (hereinafter “TCC”) is a domestic business corporation engaged in the business of collecting debts with its principal place of business located in White Plains, New York. The principal purpose of defendant TCC is the collection of debts using the mails, and the defendant regularly attempts to collect debts alleged to be due another.

CLASS ACTION ALLEGATIONS

6. Plaintiff brings this action as a nationwide class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter “FRCP”), on behalf of herself and all consumers who have received debt collection notices and/or letters from the defendant which are in violation of the FDCPA, as of the date of plaintiff’s complaint, and their successors in interest (the “Class”). Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of TCC.

7. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

8. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, hundreds of persons have received debt collection notices from the defendant which violate various provisions of the FDCPA.

9. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(10), 1692g, 1692g(a)(3), 1692g(a)(4) and 1692g(a)(5).

b. Whether plaintiff and the Class have been injured by the defendant's conduct;

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. Whether plaintiff and the Class are entitled to declaratory and/or injunctive relief.

10. Plaintiffs' claims are typical of the claims of the Class, and plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

11. Plaintiff will fairly and adequately protect the interests of the Class and has retained experienced counsel, competent in the prosecution of class action litigation.

12. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

13. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if defendant's conduct will proceed without remedy it will continue to reap and retain the proceeds of its ill-gotten gains.

14. Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

15. On or about January 13, 2005, the defendant did send to the plaintiff a collection letter. The letter stated the amount due as \$84.00. On or about March 7, 2005, defendant TCC sent another collection letter to plaintiff Green demanding payment of an additional debt in the amount of \$84.00 allegedly owed to the same creditor, North General Radiology. Copies of said letters are annexed hereto as Exhibits A.

16. The March 7, 2005 collection letter stated:

“We have just been notified that you have incurred additional charges from the very same creditor in the amount of \$84.00 for services that were provided to you on 9/3/04. This increases the amount you now owe to \$168.00”

17. The language contained in defendant’s March 7, 2005 collection letter not only violates 15 U.S.C. §§ 1692g(a)(3), 1692g(a)(4) and 1692g(a)(5), but also violates §§ 1692e and 1692e(10), as it deceptively attempts to collect a debt while divesting the consumer of her right to receive verification of the debt mailed to the consumer by the debt collector.

18. As a result of defendant’s abusive, deceptive and unfair debt collection practices, plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

19. Each of the above allegations is incorporated herein.

20. Defendant’s debt collection letter violated and overshadowed various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(10), 1692g, 1692g(a)(3), 1692g(a)(4) and 1692g(a)(5).

21. As a result of defendant’s violations of the FDCPA, plaintiff has been damaged and is entitled to statutory damages, costs and attorney’s fees.

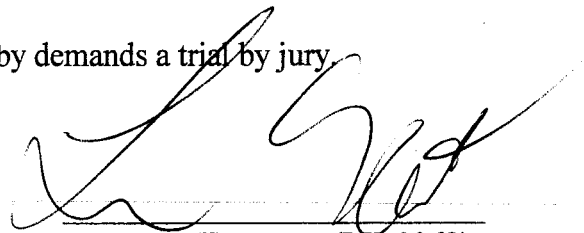
WHEREFORE, plaintiff respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;
- b) Issue a preliminary and permanent injunction restraining defendant, its employees, agents and successors from, *inter alia*, engaging in conduct and practices that are in violation of the FDCPA and enjoing defendant from any collection activities relating to the amounts alleged to be owed for which no § 1692g notice was published;
- c) Issue a declaratory Order requiring defendant to make corrective disclosures;
- d) Awarding plaintiff statutory damages;
- e) Awarding plaintiff costs of this action, including reasonable attorneys' fees and expenses; and
- f) Awarding plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: October 12, 2005
Uniondale, New York



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Katz & Kleinman PLLC
626 EAB Plaza
Uniondale, New York 11556-0626
Telephone (516) 522-2621
Facsimile (888) 903-8400

EXHIBITS A

TCC
P.O. Box 5055
White Plains, NY 10602-5055
Return Service Requested

35 71 10108
254602



01 5376 489756



BARBARA AN GREEN
439 W 147TH ST APT 1B
NEW YORK NY 10031-4817

**YOUR ACCOUNT HAS BEEN
REFERRED FOR COLLECTION BY:**

NORTH GENERAL RADIOLOGY

Account # 01 5376 489756

Service/Product MEDICAL

Date of Service August 20, 2004

Balance Due \$84.00

PAY THIS AMOUNT

1/13/05

(914) 993-9539

PO BOX 5055 • WHITE PLAINS, NY 10602

(718) 597-1191

PLEASE READ THIS IMPORTANT MESSAGE

This past due statement reflects a balance due the above stated creditor. This account has been referred for collection and we must ask that you remit the balance shown in full using the enclosed envelope. If this bill is covered by insurance, you may submit completed insurance forms to us along with full payment. Reimbursement will be made directly to you by your insurance carrier if applicable.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of judgement and mail you a copy of such judgement or verification. If you request in writing within 30 days after receiving this notice, our office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt by a debt collector and any information obtained will be used for that purpose.

POR FAVOR LEA ESTE IMPORTANTE MENSAJE

Su cuenta refleja un balance pendiente. Esta cuenta a sido referida para ser colectada por nuestra oficina. Nosotros tenemos que asegurar que su balance sea pagado en completo usando el sobre incluido. Si esta deuda escubierta por algún seguro, usted tiene que someter el documento del seguro, incluyendo el pago en completo, su seguro le rembolsara su dinero directamente a usted si es elegible.

Si usted notifica a esta oficina dentro de los 30 días, después derecibida esta notificación en donde usted no esta de acuerdo o solamente en parte, nuestra oficina asumirá que su cuenta es valida. Si usted notifica por escrito dentro de los 30 días después de recibida esta notificación, esta oficina obtendrá copia del documento legal o la verificación de su cuenta. Copia del documento legal o la verificación se le enviara por correo. Si usted requiere por escrito dentro de los 30 dias, nosotros le proveremos con el nombre y la direccion de su acreditador original, si este fuera diferente de su acreditador actual.

Estamos intentando colectar una deuda pendiente por una agencia de colección. Cualquier información obtenida será usada solamente para la colección de su cuenta pendiente.

IMPORTANT: Please detach and return the bottom portion with your payment in the envelope provided.

1/13/05

MAKE PAYMENT TO:
NORTH GENERAL RADIOLOGY

Account No ▶ 01 5376 489756

Date of Service ▶ August 20, 2004

Balance Due ▶ \$84.00

BARBARA AN GREEN
439 W 147TH ST APT 1B
NEW YORK NY 10031-4817

☐ Indicate Change of Address Below

▼ **SEND CHECK OR MONEY ORDER TO** ▼



TRANS CONTINENTAL CREDIT
P.O. BOX 5055
WHITE PLAINS, NY 10602-5055

If paying by mail, please return this form with a check or money order for the full amount due.

Please be sure to include your complete account number with any correspondence.

01 5376 489756





CREDIT & COLLECTION CORP.

P.O. BOX 5055, WHITE PLAINS, NY 10602

Barbara An Green
439 W 147th St Apt 1
New York NY 10031

3/07/05

Creditor Name: North General Radiology
Account Number: 5376-489756
Total Now Due: \$168.00

Dear Barbara An Green

This letter is to advise you that you still owe the above creditor the sum of \$84.00 for the unpaid debt that was previously placed with us for collection on 1/10/05.

We have just been notified that you have incurred additional charges from the very same creditor in the amount of \$84.00 for services that were provided to you on 9/03/04. This increases the amount you now owe to \$168.00

We must insist that you now remit the total amount due by return mail in order to avoid the risk of having these overdue charges reported to the various credit bureaus.

In addition, our client also has the option of referring these charges to an attorney for legal activity... I trust that this will not be necessary.

To ensure proper credit and to prevent further action, use the enclosed envelope to send us payment in full. This is an attempt to collect a debt by a debt collector and all information obtained will be used for that purpose only.

Very truly yours,

Allen Shapiro

M00069

Credit and Collection Specialists

(914) 993-9539

(718) 597-1191